

REMARKS/ARGUMENTS

Claims 1 - 16 are pending.

Claims 1, 2, 4 - 7, 9, and 10 were rejected under 35 U.S.C. Section 102 for allegedly being anticipated by Peters et al., U.S. Pat. No. 6,415,373.

Claims 3 and 8 were rejected under 35 U.S.C. Section 103 for allegedly being obvious in view of Peters et al. and Tawil et al., U.S. Pat. No. 6,625,747.

It is respectfully and earnestly submitted that the claims as originally filed are believed to be allowable over the citer art.

The present invention is directed to information servers. An aspect of the present invention as recited in claim 1 includes "at least one server appliance for processing data." An illustrative embodiment of this aspect of present invention is shown in Fig. 1 as BES 200. Peters et al. shows applications 44 (Fig. 1) accessing storage units 42. A review of column 2 and columns 5 - 7 reveals that "the storage unit 42 may be a server computer which stores data in a data file in the file system of the server [and applications] may be called 'clients.'" *Col. 6, lines 22 - 24 and lines 36 - 37*. Peters et al. also explicitly refer to element 44 in Fig. 1 as "a client." *Col. 10, line 64*. Thus, contrary to the assertion made in the Office action, the application 44 that accesses the storage units 46, do not constitute the recited "server appliance." In fact, Peters et al. clearly state that "[a]pplications may be call 'clients'" (*Col. 6, lines 36 - 37*) and "the storage unit 42 may be a server computer" (*Col. 6, lines 22 - 24*). There is a clear distinction between clients and servers. Respectfully, it is an improper construction of Peters et al. to assert that the recited "server appliance" in claim 1 reads on their client applications 44. For at least this reason, the Section 102 rejection of claim 1 and its dependent claims are believed to be overcome.

Another aspect of the present invention as recited in claim 1 includes "means for changing said server appliance [such] that access means employed in another server appliance ... can access said disk apparatus." Peters et al. show that their applications 44 (i.e., clients) make a determination as to which of the storage units 42 (i.e., servers) will be accessed; "an application

44 requests access to a selected segment of data on one of the storage units 42.” *Col. 7, lines 59 -*

61. Peters et al. further teach

“When data is requested by an application program executed on a client 44, a storage unit is selected to satisfy the request The selection of a storage unit may be performed by the application program requesting the data, by a file system of the client executing the application program, through coordination among storage units or by another application such as a catalog manager.” *Col. 10, line 63 to col. 11, line 4 (underlining added for emphasis).*

The storage units 42 within the servers of Peters et al. are not changed, rather the clients can change from one storage unit to another. As pointed out, the clients 44 select which servers to access. Peters et al. do not show the recited “means for changing” such that “another server appliance can access said disk apparatus.” For at least this reason, the Section 102 rejection of claim 1 and its dependent claims are believed to be overcome.

To the extent the claim 5 recites the foregoing aspects of the present invention, the Section 102 rejection of claim 5 and its dependent claims is believed to overcome for the same reasons set forth above.

Claim 10 recites “a plurality of server appliances” and “means for switching connections between said plurality of server appliances and said plurality of disk apparatus.” As noted above, Fig. 1 in Peters et al. show clients 44 (see *col. 10, line 64*) accessing storage units 42 (i.e., servers, see *col. 6, lines 22 - 24*). The clients 44 of Peters et al. do not anticipate the recited “plurality of server appliances.” Moreover, Peters et al. do not show “means for switching ... between ... server ... disk.” Peters et al. do not teach that the storage units 42 in their servers are switched among servers. For at least either of these reasons, it is earnestly believed the Section 102 rejection of claim 10 is overcome.

Appended claim 11 recites a storage apparatus including a plurality of disks and first server computers, wherein one of the first server computers is in data communication with one of the disks. A “management computer [is] operable to perform a change wherein another of said first server computers is in data communication with said first disk.” Peters et al. do not describe any aspect of their storage unit 42 that might perform the change as recited for the

Appl. No. 09/927,712
Amdt. sent May 4, 2004
Reply to Office Action of November 5, 2003

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"management computer." Peters et al. therefore do not anticipate the present invention as recited in claim 11 and its dependent claims.


The reference to Tawil et al. were cited for teaching ports of a disk apparatus. However, Tawil et al. do not show the foregoing discussed aspects of the present invention, and thus do not render obvious the invention as recited in the independent claims 1, 5, 10, and 11.

CONCLUSION

In view of the foregoing, all claims now pending in this Application are believed to be in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


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